

FILED

10 MAR 24 PM 12:56

CLERK, U.S. DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

*[Signature]*  
DEPUTY

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

EDUARDO DAHILIG,

Petitioner,

JANET NAPOLITANO, et al.,

Respondents.

CASE NO. 09-cv-0632 BEN (AJB)

ORDER DENYING MOTION FOR  
RECONSIDERATION

[Docket No. 14]

Petitioner Eduardo Dahilig filed a petition for writ of habeas corpus under 28 U.S.C. § 2241, challenging his detention while the Board of Immigration Appeals' order for his removal was under judicial review with the Ninth Circuit. (Docket No. 1.) By Order dated July 30, 2009, the Court denied Petitioner's motion for appointment of counsel because he failed to establish that his petition involved complex issues. (Docket No. 8.) On September 30, 2009, Petitioner moved for reconsideration of that Order. (Docket No. 14.)

To prevail on a motion for reconsideration, Petitioner must establish that reconsideration is warranted "in the face of the existence of new evidence, an intervening change in the law or... to prevent manifest injustice." *Navajo Nation v. Confederated Tribes & Bands of the Yakama Indian Nation*, 331 F.3d 1041, 1046 (9<sup>th</sup> Cir. 2003). Here, Petitioner argues Respondents' Return to the Petition (Docket No. 13) discusses highly complex issues relating to the scope of jurisdiction, which demonstrate that this case is far more complicated and legally intricate than previously determined.

1 The Court disagrees and finds that, even if Petitioner’s assertions are true, Petitioner has not  
2 satisfied any of the specified criteria for reconsideration. Specifically, Petitioner fails to proffer new  
3 evidence or submit new controlling authority that may alter the Court’s prior decision. Petitioner has  
4 also failed to demonstrate that reconsideration is necessary to prevent manifest injustice. As  
5 previously stated in the July 30<sup>th</sup> Order, Petitioner has competently raised the legal issues relevant to  
6 this case, despite his lack of higher education or legal training.

7 Accordingly, Petitioner's Motion for Reconsideration is **DENIED**.

8 | IT IS SO ORDERED!

9 Date: 3/26/2020

*John D. Miller*

Hon. Roger T. Benitez  
Judge, United States District Court